

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Case No. 4:21-cr-00675-SRC
)
HOLLIS WEAVER,)
)
Defendant.)

Order

Defendant Hollis Weaver seeks to suppress physical evidence seized during the searches of his vehicle and residence on November 10, 2021, Docs. 58, 83, and the statements he made to U.S. Probation after the searches, Doc. 60. Weaver also moves to strike U.S. Probation Officer Grant Sneed's testimony for violation of the Jencks Act. Doc. 128. The Court referred Weaver's motions to United States Magistrate Judge Patricia L. Cohen. *See* 28 U.S.C. § 636(b). After holding an evidentiary hearing and reviewing post-hearing briefing, Judge Cohen issued a Report and Recommendation, recommending that the Court deny Weaver's motions. Doc. 147.

After careful consideration, the Court sustains, adopts, and incorporates Judge Cohen's [147] Report and Recommendation, and denies Weaver's [58] Motion to Suppress (Vehicle Search) Physical Evidence, [60] Motion to Suppress Statements Made on November 10, 2021 to Probation, [83] Motion to Suppress (Residence Search) Physical Evidence, and [128] Motion to Strike Portions of Probation Officer Grant Sneed's Testimony Given at the Evidentiary Hearing for Failure to Produce Jencks Act Material.

The Court further notes that Judge Cohen advised Weaver that he had 14 days, or until September 14, 2023, to file objections to the Report and Recommendation, unless he obtained

good cause for an extension of time. Doc. 147 at p. 24. On September 14, 2023, Weaver requested a six-day extension for filing objections, which the Court granted. Doc. 149. Weaver failed to file his objections by the extended deadline and the following day moved for leave to file his objections on September 21, 2023. Doc. 150. The Court granted Weaver leave but he again failed to file his objections by the deadline. Shortly before the Court issued this Order, Weaver filed a second motion for leave to file his objections out of time and requested an extension through October 9, 2023. Doc. 152. The Court denies that untimely motion but grants Weaver leave to file, no later than October 9, 2023, a motion to reconsider this Order adopting Judge Cohen's Report and Recommendation.

So Ordered this 2nd day of October 2023.



STEPHEN R. CLARK
CHIEF UNITED STATES DISTRICT JUDGE